

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ENAAM ARNAOUT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:09-CV-00215 JMS-WGH
)	
WARDEN, FEDERAL CORRECTIONAL)	
INSTITUTION, TERRE HAUTE,)	
INDIANA,)	
)	
Defendant.)	

Supplemental Declaration of John Phillip Walker Lindh

Comes now John Phillip Walker Lindh, being duly sworn upon his oath, and says that:

1. Adherents to Islam are required to engage in five daily prayers or *Salah* or *Salat*. The prayers are very brief, lasting only approximately ten minutes.
2. During the prayers we do not converse among ourselves. Instead, each prayer features a prescribed sequence of actions and words including bowing, prostration, and sitting.
3. The daily prayers create a direct link between the worshiper and God. This is one of the primary obligations of Islam.
4. The Koran commands that the prayers be held at dawn (*Fajr*), early afternoon (*Dhur*), in the late afternoon (*Asr*), at post-sunset (*Maghrib*), and in the evening (*Isha*).
5. While confined in the Communications Management Unit ("CMU") I have attended congregate prayer opportunities with other Muslim prisoners when such

opportunities have been available.

6. I attempt to follow all of the laws of Islam.

7. Inasmuch as we cannot participate in group prayer, except for the *Jum'ah* prayer, I am frequently forced to pray in my cell. This is not appropriate, not only because the prayers should be in a group setting, but also because we are taught that *Salat* must occur in a ritually clean environment. In my cell I am forced to pray in close proximity to my toilet. This is not appropriate.

8. At the current time there are approximately 35-40 prisoners in the CMU and I believe approximately 21-22 are Muslim.

9. Of the Muslim prisoners, all are Sunni Muslims with one exception. One prisoner is Shiite but he worships with the Sunnis.

10. During the Ramadan in 2009, when Muslim prisoners were allowed to pray together for a number of the daily prayers, the prayers were led by prisoners.

11. During the month of Ramadan in 2010, which began this month, Muslim prisoners are again being allowed to pray together on a daily basis in the CMU's multi-purpose room. However, this year we are only being allowed to pray together one time a day. These prayers are lead by prisoners.

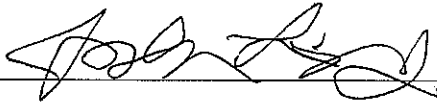
12. Prior to joining this litigation I exhausted the grievances available to me and I have attached copies of my grievances.

13. I wish to engage in daily congregate prayer with other Muslim prisoners and the failure to allow me to do so is imposing a substantial burden on my exercise of my religion.

Verification

I verify, under the penalties for perjury, that the foregoing representations are true.

Executed on: 8/25/2010
(date)



Prepared by:

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202

SEP 98

U S. DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF PRISONS

TO: (Name and Title of Staff Member) Unit Manager Jolida	DATE: 1/15/09
FROM: John Linth	REGISTER NO.: 45426-083
WORK ASSIGNMENT: n/a	UNIT: D

SUBJECT: (Briefly state your question or concern and the solution you are requesting. Continue on back, if necessary. Your failure to be specific may result in no action being taken. If necessary, you will be interviewed in order to successfully respond to your request.)

I am a Muslim, and my religion requires that I perform 5 daily prayers in congregation. This is mandatory and not optional. Prisoners in general population in federal prisons across the country are allowed to use a room in the chapel to pray any time they choose. Here we are not provided with a chapel, but there is a multi-purpose room which remains locked and unused most of the day. I request that you allow this room to be opened and used for the performance of my 5 daily prayers in congregation.

(Do not write below this line)

DISPOSITION:

See Response

Signature Staff Member

Date

1/20/09

Record Copy / File; Copy - Inmate
(This form may be replicated via WP)

This form replaces BP-148.070 dated Oct 86
and BP-S148.070 APR 94

WALKER LINDH, John
Reg. No.: 45426-083
CMU

Inmate Request to Staff Response

The administration is willing to provide the required time for congregational prayer on Fridays for Jumah Prayer only. Inmates may pray individually in their personal areas, but no additional congregational prayer time(s) shall be provided other than Friday's Jumah Prayer.

FEDERAL CORRECTIONAL COMPLEX
TERRE HAUTE, INDIANA
INFORMAL RESOLUTION FORMInmate Name: John Lindh Reg. No. 45426-083
Unit: D

NOTICE TO INMATE: You are advised normally prior to filing a Request for Administrative Remedy, BP-2999(13), you **must** attempt to informally resolve your complaint through your Correctional Counselor. Please follow the steps listed below:

1. **State your complaint:** I am a Muslim, and my religion requires that I perform 5 daily prayers in congregation. This is mandatory and not optional. Prisoners in general population in federal prisons across the country are allowed to use a room in the chapel to pray any time they choose. Here we (see attachment,

(If more space is needed, you may use up to one letter size (8 1/2 x 11) continuation page. You must also submit one copy of supporting exhibits. (Exhibits will not be returned with the response to the BP-229(13) responses.))

2. **State what actions you have made to informally resolve your complaint:** I have written to the unit manager requesting that he resolves this problem.

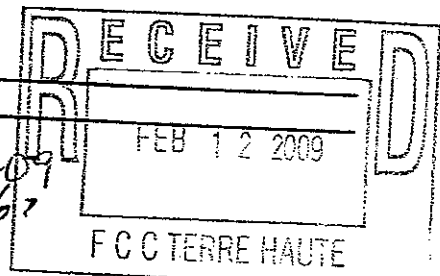
3. **State what resolution you expect:** I expect to be provided with access to the multi-purpose room to perform my 5 daily prayers in congregation as required by my religion.

Inmate's Signature: John LindhDate: 1/22/09Correctional Counselor's Comments (Steps to Resolve): See attached responseCounselor's Signature: NuttineUnit Manager's Review: SR

Informally Resolved: _____

Date: 1-23-09Date: 1/23/09

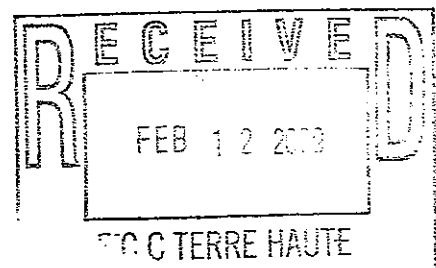
Date: _____



	BP-8 ISSUED	BP-8 RETURNED	BP-9 ISSUED	BP-9 RETURNED
DATE	1-22-09	01-23-09	1-26-09	1-28-09
TIME	100pm	1215pm	1200	1200
COUNSELOR	Nuttine	Nuttine	Nuttine	Nuttine

Attachment:

(continued from page 1) are not provided with a chapel, but there is a multi-purpose room which remains locked and unused most of the day. I request that ~~I~~^{be} allowed to use this room for the performance of my 5 daily prayers in congregation as required by my religion.



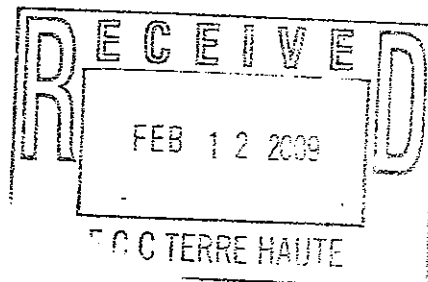
WALKER LINDH, John
Reg. No.: 45426-083
CMU

Informal Resolution Response

This is in response to your Request for Informal Resolution, received on January 23, 2009, wherein you request to be allowed group prayer five (5) times a day.

Per Program Statement 5360.09, Religious Beliefs and Practices, "Authorized congregate services will be made available for all inmates weekly."

The administration is willing to provide the required time for congregational prayer on Fridays for Jumah Prayer only. Inmates may pray individually in their personal areas, but no additional congregational prayer time(s) shall be provided other than Friday's Jumah Prayer.



Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

1. Linck, John P.W. 45426-083 D F41 Terre Haute
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

I am a Muslim, and my religion requires that I perform 5 daily prayers in congregation. This is mandatory and not optional. Prisoners in general population in federal prisons across the country are allowed to use a room in the chapel to pray any time they choose. Here we are not provided with a chapel, but there is a multi-purpose room which remains locked and unused most of the day. I request that I be allowed to use this room for the performance of my 5 daily prayers in congregation as required by my religion. If the prison administration can allow me to perform Sunnah prayer in congregation which is mandatory, it can also allow me to perform my 5 daily prayers in congregation.

1/29/09
 DATE

[Signature]
 SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 526006-11

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

PART B - RESPONSE

This is in response to your Administrative Remedy receipted on February 12, 2009, in which you request to have additional congregational prayer five (5) times a day in the Communication Management Unit (CMU).

A review of your request indicates the administration provides the required time for congregational prayer on Fridays for Jumah Prayer only. According to Program Statement 5360.09, Religious Beliefs and Practices, "Authorized congregate services will be made available for all inmates weekly."

Inmates may pray individually in their personal area, but no additional congregational prayer time(s) shall be provided other than Friday Jumah Prayer.

Therefore, your request for Administrative Remedy is denied.

If you are dissatisfied with this response, you may appeal to the Regional Director, Federal Bureau of Prisons, Gateway Complex, Tower II, 8th Floor, 4th & State Ave., Kansas City, Kansas 66101. Your appeal must be received within 20 calendar days of the date of this response.

2-20-09

Date

Wendell Jett

B.R. Jett, Warden

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

n: Linda John P.W. 45426-083 D-33 FCI Terre Haute
LAST NAME, FIRST MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I am a Muslim and my religion requires that I perform 5 daily prayers in congregation. This is mandatory and not optional. Prisoners in general population in federal prisons across the country are allowed to use a room in the chapel to pray any time they choose. Here we are not provided with a chapel, but there is a multi-purpose room which remains locked and unused most of the day. I request that I be allowed to use this room for the performance of my 5 daily prayers in congregation as required by my religion. If the prison administration can allow to perform Muslim prayer in congregation, it can also allow me to perform my 5 daily prayers in congregation.

DATE

SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

SECOND COPY: RETURN TO INMATE

CASE NUMBER: 5046 083

Part C - RECEIPT

CASE NUMBER: _____

Return to:

LAST NAME, FIRST MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL

U.S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 526006-R1

This is in response to your Regional Administrative Remedy Appeal received in this office on March 6, 2009, in which you allege you are not allowed to participate in five daily congregate prayers. Specifically, you allege there is a multi-purpose room on the Communications Management Unit (CMU) unused most of the day which could be used for the five daily congregate prayers. You are requesting the use of the multi-purpose room to accommodate your five daily congregate prayers.

We have reviewed your appeal and the response the Warden provided to your BP-229. You were advised Program Statement 5360.09, Religious Beliefs and Practices, allows for congregate services for all inmates once a week. Therefore, you are allowed to participate in congregate prayer during Friday Jumah Prayer services. All other required daily prayers should be accommodated individually in your cell.

Based on the above information, your Regional Administrative Remedy Appeal is denied.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

3/20/09
Date


Michael K. Nalley, Regional Director

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Lindh, John P. W. 45426-083 D FCI Terre Haute
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

I am a Muslim, and my religion requires that I perform 5 daily prayers in congregation. This is mandatory and not optional. Prisoners in general population in federal prisons across the country are allowed to use a room in the chapel to pray any time they choose. Here we are not provided with a chapel, but there is a multi-purpose room which remains locked and unused most of the day. I request that I be allowed to use this room for the performance of my 5 daily prayers in congregation as required by my religion. If the prison administration can allow me to perform Jum'ah prayer in congregation, it can also allow me to perform my 5 daily prayers in congregation.

DATE 4/3/09SIGNATURE OF REQUESTER John Lindh

Part B - RESPONSE

RECEIVED

APR 15 2009

Administrative Remedy Section
Federal Bureau of Prisons

RECEIVED

MAY 12 2009

Administrative Remedy Section
Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 526006-A2

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Administrative Remedy No. 526006-A2

Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you request to participate in five daily congregate prayers. You state there is a multi-purpose room in the Communications Management Unit unused most of the day which could be used for the five daily congregate prayers. You request use of the multi-purpose room to accommodate your five daily congregate prayers.

Our review reveals that the Warden and Regional Director adequately responded to the issues you raised in your appeal. P.S. 5360.09, Religious Beliefs and Practices, states the Bureau of Prisons provides inmates of all faith groups with reasonable and equitable opportunities to pursue religious beliefs and practices, consistent with the security and orderly running of the institution and the Bureau of Prisons. Congregate prayer is not allowed for any faith group due to security concerns. You are allowed to participate in congregate prayer during the Friday Jumah Prayer services. Inmates are permitted to conduct religious prayer in their assigned cell anytime each day as long as they are not disrupting their unit.

Staff are working diligently to ensure your ability to adhere to the tenets of your faith are upheld and facilitated to the maximum extent possible, and in a manner consistent with P.S. 5360.09, Religious Beliefs and Practices, and institution safety and security.

Therefore, we concur with the responses provided. Accordingly, your appeal is denied.

July 28, 2009
Date

Harrell Watts, Administrator
National Inmate Appeals